REMARKS

The Office Action dated September 26, 2006 has been received and reviewed by the applicant. Claims 1-10 are in the application. Claims 1-10 stand rejected. Claim 1 has been amended.

Claim 1 part b was objected to and has been deleted as unnecessary in view of other language changes in Claim 1. The informality objection is now moot and reconsideration and withdrawal of this objection is requested.

Claims 1-10 stand rejected under 35 USC 102(b) as being anticipated by Loui et al (EP 0990996). Claim 1 has been amended. Reconsideration and allowance of the claims as amended is requested for the following reasons.

Claim 1 defines a computer-mediated method for obtaining and automatically classifying images into events where no time and date information is available for the group of images being classified. The claimed invention is an improvement on the method of the cited reference which relies on date and time information in classifying a group of images.

"The images will first be ranked S10 in chronological order by analyzing the time and date of capture of each image." (EP 0 990 996 A2, par. 0013, col. 3, lines 16 – 18.)

"The event segmentation S20 using the date and time information ---". (EP 0 990 996 A2, par. 0014, col. 3, lines 27 – 28).

"The date and time of all the images within each subject grouping are then compared to check whether any two or more subject grouping can be merged into a single subject grouping S30." (EP 0 990 996 A2, par. 0015, col. 4, lines 1 – 4.).

"Referring to Fig. 7, after the grouping by content, a time and date ordering is performed on the groupings for merging groups together based on a time and date analysis." (EP 0 990 996 A2, par. 0021, col. 5, lines 10 – 13).

Thus, it is seen that virtually every step in the classification technique of the cited reference is dependent on time and date information provided for each image. In contrast, the claimed invention is simpler than the reference classifying technique and requires less computing power. The two

classifying techniques differ in a number of ways. No date and time information is used in the claimed method and it is therefore simpler than the reference method. Typically when date/time information is present, event classification in two levels id possible. Without date and time information, only one level of classification is necessary, simplifying the classification process. The classifying method of the invention relies on no time and date information making the method less complex than the method of the reference.

Clearly, claim 1 and claims 2 – 10 dependent therefrom are novel and nonobvious over the cited reference and should be allowed.

Claims 2-3 and 5 were amended to track the changed part identifiers of Claim 1.

For the reasons set forth above, it is believed that the application is in condition for allowance. Accordingly, reconsideration and favorable action are respectfully requested.

The Commissioner is hereby authorized to charge any fees in connection with this communication to Eastman Kodak Company Deposit Account No. 05-0225.

Respectfully submitted,

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Enclosures: Transmittal Fee Sheet (original & copy)
Request for One Month Extension of Time (original & copy)
Postcard

If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.